

12-14
ORDINANCE #72-79

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN FROM R-1 (ONE FAMILY) and R-3 (MULTI-FAMILY) TO COMMUNITY UNIT PLAN:

WHEREFORE, S. A. Y. Inc. has presented to the City of Killeen its request for amendment of the Zoning Ordinance of the City of Killeen changing the classification of the following described property from R-1 (One Family) and R-3 (Multi-Family) to Community Unit Plan; said petition and the date of hearing thereon was given as required by law, and hearing on said petition was set for 7:00 p.m. on December 11, 1972, at the City Hall of the City of Killeen and said petition was duly presented to the City Council of the City of Killeen at such time and place and on such date.

WHEREAS, the City Council at said hearing duly considered said petition, the approval of the City Zoning Board and the evidence and support thereof, and the City Council being of the opinion that the petitioner is entitled to the amendment of the Zoning Ordinance of the City of Killeen as requested.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN that the zoning classification of the following described tract be changed from R-1 (One Family) and R-3 (Multi-Family) to Community Unit Plan:

The proposed Bellair Heights Addition located West of Florence Road, East of Southgate Addition and South of Jasper Drive.

PASSED AND APPROVED by the City Council of the City of Killeen this the 14 day of DEC, 1972, at which meeting a quorum was present.

APPROVED

By: James R. Lindley
James R. Lindley, Mayor

ATTEST

By: T. H. Norman
T. H. Norman, City Secretary

STATE OF TEXAS)
)
COUNTY OF BELL)

KNOW ALL MEN BY THESE PRESENTS:

That SAY CORPORATION, INC., acting by and through its duly authorized officers, being the sole owner of the following described property, does hereby subdivide the hereinafter land into lots and blocks to be known as BELLAIRE HEIGHTS, to the City of Killeen, Bell County, Texas, as shown by the plat hereof, attached hereto, and made a part hereof, and approved by the City Council of the City of Killeen, Bell County, Texas; and SAY CORPORATION, INC. does hereby adopt said plat of BELLAIRE HEIGHTS, as an addition to the City of Killeen, Bell County, Texas, and for the purposes of selling lots and blocks of land with reference thereto and for the proper development of said land by its owner and for all other purposes; and does hereby dedicate to the City of Killeen, all streets, avenues, roads, drives and alleys shown on said plat, the same to be used as public thoroughfares and for the installation and maintenance of public utilities, when and as authorized by the City of Killeen; said land described as follows:

FIELD NOTES for SAY CORPORATION, INC., Bellaire Heights Subdivision, being out of and a part of the Nathan Halbert Survey, Abstract No. 389, and the land herein described being out of and a part of that certain tract described as 107.04 acres in a deed from Jack Barnes to SAY CORPORATION, INC., said deed being of record in Vol. Page , Deed Records of Bell County, Texas.

BEGINNING at an iron pipe in the south line of the Nathan Halbert Survey, and the east line of the South Gate Subdivision to the City of Killeen, Texas, for the southwest corner of this.

THENCE S. 72° 37' 03" E., 1433.29 feet along and with the south line of the said Nathan Halbert Survey, to an iron pipe in the west margin of "Old Florence Road" for the southeast corner of this.

THENCE N. 19° 39' 37" E., 150.98 feet along and with the west line of "Old Florence Road" to an iron pipe for a corner of this.

THENCE N. 19° 05' 42" E., 230.0 feet to an iron pipe for an ell corner of this.

THENCE N. 70° 52' 21" W., 295.08 feet to an iron pipe for an ell corner of this.

THENCE N. 19° 05' 38" E., 295.03 feet to an iron pipe for an ell corner of this.

THENCE S. 70° 54' 30" E., 295.15 feet to an iron pipe in the west line of "Old Florence Road" for an ell corner of this.

THENCE N. 19° 00' 58" E., 592.88 feet along and with the west margin of "Old Florence Road" to an iron pipe for the most easterly northeast corner of this.

THENCE N. 71° 43' 04" W., 1169.46 feet to an iron pipe for an ell corner of this.

THENCE N. 19° 00' 42" E., 291.04 feet to an iron pipe for the most northerly northeast corner of this.

THENCE N. 71° 45' 49" W., 533.84 feet to an iron pipe for the most northerly northwest corner of this.

THENCE S. 19° 01' 44" W., 180.01 feet to an iron pipe for an ell corner of this.

THENCE N. 71° 47' 25" W., 268.66 feet to an iron pipe in the east line of South Gate Subdivision to the City of Killeen, Texas for the most westerly northwest corner of this.

THENCE S. 19° 01' 49" W., 1325.06 feet along and with the east margin of the said South Gate Subdivision, to the place of beginning, containing 46.268 acres of land.

The utility easements shown on said plat are dedicated to the City of Killeen for installation and maintenance of any and all public utilities, which said City may elect to install and maintain or permit to be installed and maintained.

That SAY CORPORATION, INC. does hereby adopt the following restrictions, protective covenants and conditions, which are to run with the land:

The aforementioned property is being divided in accordance with a community subdivision plan and therefore the aforementioned property will be restricted in accordance with the present City of Killeen Zoning Ordinance into three different areas authorized by the Zoning Ordinance. This subdivision shall include: R-1, Single Family Residential District; R-3, Multi-Family Residential District; and B-3, Local Business District.

I.

The following property will be restricted as R-1: Lots 1-21, Block 1; Lots 1-9, Block 2; Lots 1-29, Block 3; Lots 1-56, Block 5; Lots 1-8, Block 6, BELLAIRE HEIGHTS to the City of Killeen Bell County, Texas.

The restrictions which will apply to this property are as follows:

(a) Land Use and Building Type: No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stores in height.

(b) Dwelling Size: The floor area of the main structure, exclusive of open porches and garages, shall be not less than 1,000 square feet.

(c) Building Location: No building shall be located on any lot nearer than 25 feet to the front lot line, or nearer than 15 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line.

(d) Re-location of Buildings: Construction of new buildings only shall be permitted, it being the intent of this covenant to prohibit the moving of any existing building on to a lot and remodeling or converting same into a dwelling unit in this subdivision.

(e) Architectural Control: No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation.

(f) Membership: The architectural control committee is composed of Jack Barnes, Chapparrel Road, Killeen, Texas; Alton Heiner, RFD #1, Killeen, Texas; and Donald Farek, 2801 Cheaney Drive, Killeen, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representatives shall be entitled to any compensation for services performed pursuant to this

covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

(g) Procedure: The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

(h) Lot Width: No dwelling shall be erected or placed on any lot having a square foot area of less than 7,500 square feet.

(i) Fences: No fence shall be constructed or allowed to remain in front of the minimum building setback line.

(j) Transport Vehicles: Trucks with tonnage in excess of 3/4 ton shall not be permitted to park on the streets, driveways or lots over night, and no vehicle of any size which normally transports inflammatory or explosive cargo may be kept in this subdivision at any time.

(k) Nuisances: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

(l) Temporary Structures: No structure of a temporary character, house trailer, basement, tent, shack, garage, barn, or other out-building shall be used on any lot at any time as a residence either temporarily or permanently.

(m) Signs: No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than two square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

(n) Easement: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

(o) Oil and Mining Operations: No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

(p) Livestock and Poultry: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.

(q) Garbage and Refuse Disposal: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

(r) Sight Distance at Intersection: No fence, wall, hedge, or shrub plant, which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient heights to prevent obstruction of such sight lines.

(s) Water Supply: No individual water-supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the Sanitary Engineer of the City of Killeen, approval of such system as installed shall be obtained from such authority.

(t) Sewage Disposal: No individual sewerage disposal system shall be permitted on any lot unless such system is designated, located and constructed in accordance with the requirements, standards and recommendations of the Sanitary Engineer of the City of Killeen, approval of such system as installed shall be obtained from such authority.

(u) Term: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

(v) Enforcement: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

(w) Severability: Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

II.

The following property will be restricted as R-3: Lot 1, Block 4; Lots 1-7, Block 7; and Lot 1, Block 8, BELLAIRE HEIGHTS to the City of Killeen, Bell County, Texas.

The above described property shall be restricted by the exact limitations mentioned in the Zoning Ordinance of the City of Killeen adopted October 28, 1970 which controls R-3 developed property.

RESOLUTION

STATE OF TEXAS
COUNTY OF BELL
CITY OF KILLEEN

A RESOLUTION APPROVING THE DEDICATION OF A TRACT OF LAND OUT OF THE NATHAN HALBERT SURVEY IN THE CITY OF KILLEEN, COUNTY OF BELL, STATE OF TEXAS, ACCORDING TO THE PLAT THEREOF FILED WITH THE CITY CLERK, AND HEREBY APPROVED.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the action of SAY CORPORATION, INC., acting by and through its duly authorized officers, in platting BELLAIRE HEIGHTS; a tract of land out of the Nathan Halbert Survey, in the City of Killeen, is hereby in all things approved by the City Council of the City of Killeen, as meeting all the requirements and provisions of the Ordinances of said City. The Restrictive Covenants and Conditions contained in the dedication of BELLAIRE HEIGHTS, are hereby in all things approved.

SECTION II. BE IT FURTHER RESOLVED that the dedication attached to the plat on file with the City Clerk, aforesaid, together with the dedication of the streets and easements to the public use forever is hereby accepted and approved.

PASSED AND APPROVED on the 14 day of December, 1972.

James R. Lindley
Mayor

ATTEST:

T. H. Norman
City Secretary

I, T. H. NORMAN, City Secretary of the City of Killeen, Bell County, Texas, do hereby certify that the above and foregoing resolution is a true and correct exemplification of the original resolution passed and adopted by the City Council of Killeen, at a regular meeting duly held, at which a quorum was present, on the 14 day of DECEMBER, 1972.



T. H. Norman
City Secretary

PLAT BOOK 2 PAGE 18-J

By J. W. Mc
County Clerk, Bell County, Texas

(Given under my hand and seal of office, day and date last above written,
at 9 o'clock A.M.

of Bell County, on page 778 this the 30 day of May A.D. 1923

and duly recorded by me in Book 1819 of the Records of 8882
day of May A.D. 1923 at 8 o'clock A.M.

writing with its certificate of authentication was filed for record in my office on
Bell County, do hereby certify that foregoing and attached Deed or Instrument of
County Clerk in and for
J. W. Mc
COUNTY OF BELL,
Texas

1219
MAY 28 1923
18-0

Ray Corp Inc
10

Bellevue Heights
Arthur Kullen

Plot & Medication

FILED
FOR RECORD
AT 10 O'CLOCK
MAY 30 1923
J. W. Mc

By J. W. Mc
County Clerk, Bell County, Texas

HOLD

City of Kullen

Arthur Kullen
15-0